

## **REMARKS**

**[0001]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The claims are amended herein as follows:

### **Claims pending**

- Before this Amendment: Claim 1-15 and 17-45
- After this Amendment: Claims 1, 5-8, 10-15, 17-19, and 21-45

**Non-Elected, Canceled, or Withdrawn claims:** 2-4, 9, and 20

**Amended claims:** 1, 6, 7, 10, 11, 21, 23, 25, and 40

**New claims:** None

## **Substantive Matters**

### **Claim Rejections under § 103**

[0002] Claims 1-15 and 17-45 are rejected under 35 U.S.C. § 103. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0003] The Examiner's rejections are based upon the following references in combination:

- **Stelovsky:** *Stelovsky*, US Patent No. 5,782,692 (issued July 21, 1998);
- **Wang:** *Wang*, US Patent Publication No. 2002/0133764 (published September 19, 2002);
- **Hansen:** *Hansen, et al.*, US Patent Publication No. 2002/0038456 (published March 28, 2002);
- **Golin:** *Golin*, US Patent No. 5,990,980 (issued November 23, 1999);
- **Osberger:** *Osberger*, US Patent No. 6,670,963 (issued December 30, 2003);
- **Geigel:** *Geigel, et al.*, US Patent Publication No. 2002/0122067 (published September 5, 2002);
- **Bloom:** *Bloom, et al.*, US Patent Publication No. 2005/0042591 (published February 24, 2005);
- **Tsai:** *Tsai*, US Patent No. 6,572,381 (issued June 3, 2003);
- **Tashiro:** *Tashiro, et al.*, US Patent No. 5,703,308 (issued December 30, 1997);

- **Trovato:** *Trovato, et al.*, US Patent No. 7,058,889 (issued June 6, 2006);
- **Kondo:** *Kondo*, US Patent No. 6,232,540 (issued May 15, 2001);
- **Borden IV:** *Borden IV, et al.*, US Patent Publication No. 2003/0200105 (published October 23, 2003);
- **Haitsma:** *Haitsma, et al.*, US Patent Publication No. 2002/0178410 (published November 28, 2002); and
- **Umeda:** *Umeda, et al.*, US Patent No. 5,453,570 (issued September 26, 1995).

### **Overview of the Application**

[0004] The Application describes personalized karaoke, wherein a user's personal home video and photographs are used to form a background for the lyrics during a karaoke performance.

## **Cited References**

[0005] The Examiner cites Stelovsky as the primary reference in the obviousness-based rejections. The Examiner cites Wang, Hansen, Golin, Osberger, Geigel, Bloom, Tsai, Tashiro, Travato, Kondo, Borden IV, Haitsma, and Umeda as secondary references in the obviousness-based rejections.

### **Stelovsky**

[0006] Stelovsky describes an interactive system for playing a game, educational or instructional sequence in conjunction with a prerecorded multimedia presentation consisting of at least motion video, sound and accompanying text.

### **Wang**

[0007] Wang describes a system and method for the concealment of errors resulting from missing or corrupted data in the transmission of audio signals in compressed digital packet formats.

### **Hansen**

[0008] Hansen describes a media content capture and distribution system includes at least one capture system which provides clips of media content satisfying a set of at least one trigger defined for the capture system. The clips are transmitted to a distribution system. A channel creator in the distribution system combines a plurality of the clips that satisfy at least a portion of the

criteria defining the content requirements of a microchannel into a microchannel stream. The microchannel stream is transmitted to a client through a computer network.

Golin

**[0009]** Golin describes detection of transitions in video sequences. Frame dissimilarity measure (FDM) values are generated for pairs of frames in a video sequence that are separated by a specified timing window size, where each FDM value is the ratio of a net dissimilarity measure and a cumulative dissimilarity measure.

Osberger

**[0010]** Osberger describes a visual attention model that uses a robust adaptive segmentation algorithm to divide a current frame of a video sequence into a plurality of regions based upon both color and luminance, with each region being processed in parallel by a plurality of spatial feature algorithms including color and skin to produce respective spatial importance maps.

Geigel

**[0011]** Geigel describes automatic creation of digital image albums. A Page Creator Module utilizes a genetic engine and a layout evaluation module. The genetic engine evolves a group of images to a plurality of album pages, based on

certain layout criteria. The evaluation module calculates layout criteria and compares them with user preferences.

*Bloom*

**[0012]** Bloom describes a technology for creating digital audio and video files corresponding to selected scenes from a creative production and describes a processing system that enables dialog to be selected from a scene and replaced by a user's dialog which is automatically synchronized with the original dialog so as to be in synchronism with lip movements displayed by the accompanying video display.

*Tsai*

**[0013]** Tsai describes a computer system and karaoke system. A computer system includes storage device for storing a plurality of object files, each file including a program and information on the genre of music, and said computer [sic] system selecting an object file from the storage device and executing a program stored in the selected object file.

*Tashiro*

**[0014]** Tashiro describes a Karaoke apparatus responsive to oral request of entry songs.

### Travato

**[0015]** Travato describes synchronizing visual information with audio playback, selecting a desired audio file from a list stored in memory associated with a display device, sending a signal from the display device to a separate playback device to cause the separate playback device to start playing the desired audio file; and displaying visual information associated with the desired audio file on the display device in accordance with timestamp data such that the visual information is displayed synchronously with the playing of the desired audio file, wherein the commencement of playing the desired audio file and the commencement of the displaying step are a function of the signal from the display device.

### Kondo

**[0016]** Kondo describes a time-scale modification method and apparatus for rhythm source signals. A time-scale modification process (i.e., expansion or compression with respect to time) is effected on rhythm source signals containing waves such that rhythm sounds are not substantially changed in pitches.

### Borden IV

**[0017]** Borden, IV describes a technology for hosting legacy data. To attract potential customers to a web site, the site offers inexpensive conversion and storage of legacy data.

*Haitsma*

**[0018]** Haitsma describes a technology for matching a query data object with a candidate data object by extracting and comparing fingerprints of said data objects.

*Umeda*

**[0019]** Umeda describes a technology for a karaoke authoring apparatus for mixing or authoring karaoke music data based on an electronic music sound source.



## **Obviousness Rejections**

### **Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)**

[0020] Applicant disagrees with the Examiner's obviousness rejections. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

### **Based upon Stelovsky, Wang, and Hansen**

[0021] The Examiner rejects claims 1, 2, 17, 18, 20, 23-25, 28, 29, 40 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky in view of Wang, and further in view of Hansen. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

### ***Independent Claim 1***

[0022] Applicant submits that the combination of Stelovsky, Wang, and Hansen does not teach or suggest at least the following features as recited in this claim (with emphasis added):

- "segmenting music to produce a plurality of music sub-clips, wherein the segmenting establishes boundaries between the music sub-clips at beat positions within the music, **the beat positions being located**

according to a rhythm or a tempo of the music, or at onset positions within the music when beat positions are not obvious during a portion of the music, the onset positions being initiations of distinguishable tones of the portion of the music, wherein lengths of the sub-clips are shorter than a maximum of sub-clips length”;

- “segmenting a visual content to produce a plurality of sub-shots at a maximum peak of a frame difference curve, wherein **the visual content presents a story line** and the segmenting is repeated until lengths of all sub-shots are shorter than a maximum of sub-shot length, the maximum of sub-shot length being a little longer in duration than the maximum of music sub-clips”;
- “selecting sub-shots such that they are uniformly distributed within the visual content to **preserve the story line**”;
- “**shortening one or more of the plurality of sub-shots to a length of a corresponding music sub-clip from within the plurality of music sub-clips**”;
- “**obtaining lyrics corresponding to the music from a file**;
- “**coordinating delivery of the lyrics with the music using timing information contained within the file**”;

- “displaying at least some of the plurality of sub-shots as a background to lyrics associated with the plurality of music sub-clips”

**[0023]** The Examiner addressed the features of beating position of music sub-clips in the context of original claim 28, by asserting that “beat intervals are taught by Wang to be a function of song tempo” and “4/4 time is understood to be a tempo”. Office Action, page 6. It appears that the Examiner equates “4/4 time” with “tempo” as “most popular music has a rhythm period in 4/4 time”. Id.

**[0024]** Claim 1, however, recites **“the beat positions being located according to a rhythm or a tempo of the music”**. Therefore the rhythm would not necessarily be 4/4 time even assuming “most popular music has a rhythm period in 4/4 time”.

**[0025]** The Examiner addressed the features of preserving story line in the context of original claim 9, by asserting that this feature is taught by Umeda in which “the segmented video images ... present a story”. Office Action, page 23, paragraph 46 and 47.

**[0026]** Umeda, however, only discloses that the segmented video would show a story. In contrast, the claims recites that **“the visual content presents a story line”** and “selecting sub-shots such that they are uniformly distributed within the visual content to **preserve the story line**”.

**[0027]** The Examiner addressed the feature of lyrics in the context of original claim 20, by asserting that this feature is taught by Stelovsky in which “textual track can be generated remotely and transmitted using communication means, Column 14, lines 20-24”.

[0028] It is unclear from the context of Stelovsky, col. 14, lines 20-24, what the textual track means. In contrast, claim 1 recites “obtaining **lyrics corresponding to the music** from a file”. Stelovsky also only discloses “text can be associated with a multimedia presentation and be synchronized with respect to the presentation’s time or its segments”. Col. 3, lines 65-67. Stelovsky does not teach the presentation’s time in the text file. In contrast, claim recites “coordinating delivery of the lyrics with the music **using timing information contained within the file**”.

[0029] Applicant respectfully submits that none of the references cited teaches or suggests the following new features. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

[0030] None of the cited references discloses segmenting music sub-clips “**at onset positions within the music when beat positions are not obvious during a portion of the music, the onset positions being initiations of distinguishable tones of the portion of the music, wherein lengths of the sub-clips are shorter than a maximum of sub-clips length**”.

[0031] None of the cited references discloses “**the maximum of sub-short length being a little longer in duration than the maximum of music sub-clips**” and “**shortening some of the plurality of sub-shots to a length of a corresponding music sub-clip from within the plurality of music sub-clips**”.

[0032] As shown above, the combination of Stelovsky, Wang, and Hansen does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 23

[0033] Applicant submits that the combination of Stelovsky, Wang, and Hansen does not teach or suggest at least the following features as recited in this claim for the same reasons above (with emphasis added):

- "segmenting the music to produce a plurality of music sub-clips, wherein the segmenting establishes boundaries between the music sub-clips at beat positions within the music, wherein **the beat positions are located according to a rhythm or a tempo of the music**";
- segmenting **a visual content representing a story line** to produce a plurality of sub-shots of a length corresponding music sub-clips from the plurality of music sub-clips, such that **the plurality of sub-shots are uniformly distributed within the visual content to preserve the story line**"

[0034] The Examiner addressed the features of beating position of music sub-clips in the context of original claim 28, by asserting that "beat intervals are taught by Wang to be a function of song tempo" and "4/4 time is understood to be a tempo". Office Action, page 6. It appears that the Examiner equates "4/4 time" with "tempo" as "most popular music has a rhythm period in 4/4 time". Id.

[0035] Claim 23, however, recites **“the beat positions being located according to a rhythm or a tempo of the music”**. Therefore the rhythm would not necessarily be 4/4 time even assuming “most popular music has a rhythm period in 4/4 time”.

[0036] The Examiner addressed the features of preserving story line in the context of original claim 9, by asserting that this feature is taught by Umeda in which “the segmented video images ... present a story”. Office Action, page 23, paragraph 46 and 47.

[0037] Umeda, however, only discloses that the segmented video would show a story. In contrast, the claims recites that **“the visual content presents a story line”** and “selecting sub-shots such that they are uniformly distributed within the visual content to **preserve the story line**”.

[0038] As shown above, the combination of Stelovsky, Wang, and Hansen, does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

*Independent Claims 25 and 40*

[0039] Claims 25 and 40 includes features similar to those discussed above with regard to claim 23. Accordingly, claims 25 and 40 are patentable over the combination of Stelovsky, Wang, and Hansen for at least the same reasons.

Dependent Claims 2, 17, 18, 20, 24, 28, 29, and 41

**[0040]** These claims ultimately depend upon independent claim 1, 23, 25, and 40. As discussed above, claims 1, 23, 25, and 40 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Dependent Claim 17

**[0041]** Applicant submits that the combination of Stelovsky, Wang, and Hansen does not teach or suggest at least the following features as recited in this claim (with emphasis added):

- “segmenting music into the plurality of music sub-clips comprises bounding music sub-clip length according to:  
minimum length =  $\min\{\max\{2 * \text{tempo}, 2\}, 4\}$  and  
maximum length = minimum + 2”

**[0042]** The Examiner asserts that these features do not solve any problem or are for any particular purpose. Office Action, page 8, paragraph 12.

**[0043]** Applicant respectfully disagrees with the assertion. Applicant would like to bring the Examiner’s attention to the Application, paragraph [0017], lines 6-7, and [0091], line 2 which states “to give a more enjoyable karaoke performance, the sub-music should not be too short or too long” and “a range is set as a function of tempo”.

Dependent Claim 18

[0044] Applicant submits that the combination of Stelovsky, Wang, and Hansen does not teach or suggest at least the following features as recited in this claim (with emphasis added):

- “establishing music sub-clips’ length within a range of 3 to 5 seconds”

[0045] The Examiner asserts that these features do not solve any problem or are for any particular purpose. Office Action, page 8, paragraph 12.

[0046] Applicant respectfully disagrees with the assertion. Applicant would like to bring the Examiner’s attention to the Application, paragraph [0017], lines 6-8 which states “to give a more enjoyable karaoke performance, the sub-music should not be too short or too long” and “an advantageous length of music sub-clip is about 3 to 5 seconds”.

**Based upon Stelovsky, Wang, Hansen, and Golin**

[0047] The Examiner rejects claims 3 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky, in view of Wang and Hansen, and further in view of Golin. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

[0048] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally,



some or all of these claims may also be allowable for additional independent reasons.

**Based upon Stelovsky and Osberger**

**[0049]** The Examiner rejects claims 4-7, 10, 32, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky, in view of Osberger. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0050]** These claims ultimately depend upon independent claims 1 and 25. As discussed above, claims 1 and 25 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Based upon Stelovsky, Wang, Hansen, and Geigel**

**[0051]** The Examiner rejects claims 12-15, 31, 34, 36, and 37 under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky, in view of Wang and Hansen, and further in view of Geigel. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0052]** These claims ultimately depend upon independent claims 1 and 25. As discussed above, claims 1 and 25 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.

Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Based upon Stelovsky, Wang, Hansen, and Bloom**

**[0053]** The Examiner rejects claims 19, 39, and 44 under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky, in view of Wang and Hansen, and further in view of Bloom. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0054]** These claims ultimately depend upon independent claims 1, 25, and 40. As discussed above, claims 1, 25, and 40 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Based upon Stelovsky, Wang, Hansen, and Tsai**

**[0055]** The Examiner rejects claim 21 under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky, in view of Wang and Hansen, and further in view of Tsai. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0056]** This claim ultimately depends upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally,

some or all of these claims may also be allowable for additional independent reasons.

**Based upon Stelovsky, Wang, Hansen, and Tashiro**

**[0057]** The Examiner rejects claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky, in view of Wang and Hansen, and further in view of Tashiro. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0058]** This claim ultimately depends upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Based upon Stelovsky, Wang, Hansen, and Trovato**

**[0059]** The Examiner rejects claim 26 under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky, in view of Wang and Hansen, and further in view of Trovato. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0060]** This claim ultimately depends upon independent claim 25. As discussed above, claim 25 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally,

some or all of these claims may also be allowable for additional independent reasons.

**Based upon Stelovsky, Wang, Hansen, and Kondo**

**[0061]** The Examiner rejects claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky, in view of Wang and Hansen, and further in view of Kondo. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0062]** This claim ultimately depends upon independent claim 25. As discussed above, claim 25 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Based upon Stelovsky, Wang, Hansen, and Borden IV**

**[0063]** The Examiner rejects claims 30 and 42 under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky, in view of Wang and Hansen, and further in view of Borden IV. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0064]** These claims ultimately depend upon independent claims 25 and 40. As discussed above, claims 25 and 40 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.

Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Based upon Stelovsky, Wang, Hansen, Osberger, and Geigel**

**[0065]** The Examiner rejects claims 35, 38, and 43 under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky, in view of Wang and Hansen, and further in view of Osberger and Geigel. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0066]** These claims ultimately depend upon independent claims 25 and 40. As discussed above, claims 25 and 40 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Based upon Stelovsky, Wang, Hansen, and Hatisma**

**[0067]** The Examiner rejects claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky, in view of Wang and Hansen, and further in view of Hatisma. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0068]** This claim ultimately depends upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally,

some or all of these claims may also be allowable for additional independent reasons.

**Based upon Stelovsky, Wang, Hansen, Hatisma, and Umeda**

**[0069]** The Examiner rejects claim 45 under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky, in view of Wang and Hansen, and further in view of Umeda. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0070]** This claim ultimately depends upon independent claim 40. As discussed above, claim 40 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

## **Conclusion**

[0071] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**. Please call or email me at your convenience.

Respectfully Submitted,

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